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14 IN THE UNITED STATES DISTRICT COURT
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16 EASTERN DISTRICT OF CALIFORNIA

17 UNITED STATES OF AMERICA,

18 Plaintiff,

19 v.

20 ALEXANDER ALVES, AND
21 STEVEN MCTHAY,

22 Defendants.

23 CASE NO. 1:23-CR-00145-ADA-BAM

24 STIPULATION REGARDING EXCLUDABLE
25 TIME PERIODS UNDER SPEEDY TRIAL ACT;
26 AND ORDER

27 DATE: August 23, 2023

28 TIME: 1:00 p.m.

COURT: Hon. Barbara A. McAuliffe

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STIPULATION

20 Plaintiff United States of America, by and through its counsel of record, and defendants, by and
21 through defendants' counsel of record, hereby stipulate as follows:

22 1. By previous order, this matter was set for status on August 23, 2023.

23 2. By this stipulation, defendants now move to continue the status conference until
24 November 8, 2023, and to exclude time between August 23, 2023, and November 8, 2023, under 18
U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4].

25 3. The parties agree and stipulate, and request that the Court find the following:

26 a) The government has represented that the discovery associated with this case
27 includes reports, photographs, and audio files. All of this discovery has been either produced
28 directly to counsel and/or made available for inspection and copying or is in the process of being
produced.

b) Counsel for defendants desire additional time to further review discovery, discuss potential resolution with his client and the government, and investigate and prepare for trial.

c) Counsel for defendants believe that failure to grant the above-requested continuance would deny him/her the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

d) The government does not object to the continuance.

e) Based on the above-stated findings, the ends of justice served by continuing the case as requested outweigh the interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act.

f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of August 23, 2023 to November 8, 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4] because it results from a continuance granted by the Court at defendants' request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendants in a speedy trial.

g) The parties also agree that this continuance is necessary for several reasons, including but not limited to, the need to permit time for the parties to exchange supplemental discovery, engage in plea negotiations, and for the defense to continue its investigation and preparation, pursuant to 18 U.S.C. § 3161(h)(7)(A) and 3161(h)(7)(B)(i) and (iv).

4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: August 15, 2023

PHILLIP A. TALBERT
United States Attorney

/s/ STEPHANIE M. STOKMAN
STEPHANIE M. STOKMAN
Assistant United States Attorney

1 Dated: August 15, 2023

/s/ ERIC KERSTEN
ERIC KERSTEN
Counsel for Defendant
STEVEN MCTHAY

4 Dated: August 15, 2023

/s/ MIKE MCKNEELY
MIKE MCKNEELY
Counsel for Defendant
ALEXANDER ALVES

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10 **ORDER**

11 IT IS SO ORDERED that the status conference is continued from August 23, 2023, to **November**
12 **8, 2023, at 1:00 p.m. before Magistrate Judge Barbara A. McAuliffe.** Time is excluded pursuant to
13 18 U.S.C. § 3161(h)(7)(A), B(iv).

14 IT IS SO ORDERED.

15 Dated: August 15, 2023

/s/ *Barbara A. McAuliffe*

16 UNITED STATES MAGISTRATE JUDGE